

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO SENTENCING MINUTE SHEET BEFORE THE HONORABLE MATTHEW L. GARCIA									
CR No:	21-1419 MLG	USA vs.	Begaye						
Date:	6/6/23	Defendant:	Jameson Begaye						
Time In/Out:	1:28 – 2:25		Total Time in Court:			57 minutes			
Clerk:	E. Romero		Court Reporter:			Paul Baca			
AUSA:	Zachary Jones		Defendant's Counsel:			Susan Burgess-Farrell for B. Porter			
Courtroom:	Gila		Probation Officer:			A Ortiz y Martinez			
Interpreter:	n/a		Interpreter Sworn?			<input type="checkbox"/>	Choose an item.		
Convicted on:	Plea		As to:	Information			Counts:	1	
Guilty Plea:	Accepted		Plea Agreement:	Accepted					
Date of Plea/Verdict:	8/26/22	PSR:	Disputed	<input checked="" type="checkbox"/>	Courts adopts PSR Findings		Evidentiary Hrg:	Not Needed	
Exceptions to PSR:	Objection 1 – withdrawn; Objection 2 – sustained;								
SENTENCE IMPOSED									
IMPRISONMENT (BOP):		97 months							
<input checked="" type="checkbox"/>	500-Hour Drug Program	<input type="checkbox"/>	BOP sex-offender treatment program			Other:			
SUPERVISED RELEASE:		3 years			<input checked="" type="checkbox"/>	Mandatory/Standard Conditions			
SPECIAL CONDITIONS OF SUPERVISION									
<input checked="" type="checkbox"/>	Defendant must participate in/successfully complete outpatient substance abuse treatment program & grant waiver of confidentiality.			<input checked="" type="checkbox"/>	Defendant must submit to substance abuse testing to determine if you have used a prohibited substance; Testing shall not exceed 60 tests per year				
<input checked="" type="checkbox"/>	Defendant must submit to a search of your person, property, residence, vehicle, papers, computers (as defined in 18USC1030(e)(1)), other electronic communications or data storage devices or media, or office under your control.			<input checked="" type="checkbox"/>	Defendant must not use or possess alcohol; You may be required to submit to alcohol testing that may include urine testing, a remote alcohol testing system, and/or alcohol monitoring technology program to determine if you have used alcohol; Testing shall not to exceed 4 tests per day.				
<input checked="" type="checkbox"/>	Defendant must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances that impair your physical or mental functioning, whether or not intended for human consumption.			<input type="checkbox"/>	Defendant must not possess, sell, offer for sale, transport, cause to be transported, cause to affect interstate commerce, import, or export any drug paraphernalia, as defined in 21 U.S.C. 863(d).				
<input type="checkbox"/>	Defendant must participate in community-based program which provides education and training in:			<input checked="" type="checkbox"/>	Defendant must reside at a Residential Reentry Center for a term of (up to) 180 days				
<input checked="" type="checkbox"/>	Defendant must complete 40 hours of community service as directed.			<input checked="" type="checkbox"/>	Defendant must not communicate, or otherwise interact, with victim(s) directly or through someone else with approval of the probation officer.				
MONETARY PENALTIES / FORFEITURES									
Fine: \$	-0-	Restitution: \$	-0-	SPA: \$	100.00	Due Immediately			
Forfeit rights title & interest to:		Property listed in paragraph 18 of the written plea agreement.							
OTHER									
<input type="checkbox"/>	Waived Appeal Rights per Plea Agreement			<input checked="" type="checkbox"/>	Held in Custody				
<input checked="" type="checkbox"/>	Recommended place(s) of incarceration: A facility in Eastern Arizona to be close to family								
<input type="checkbox"/>	Dismissed Counts:								
PROCEEDINGS									
Court in session – parties state appearances; Court outlines documents reviewed to prepare for sentencing; Parties are ready to proceed; Court verifies Defendant's Objection #1 is withdrawn; Ms. Burgess-Farrell confirms; Ms. Burgess-Farrell addresses Court re: Objection #2 – law enforcement officer is assaulted “during the course of the offense”; Mr. Jones responds; Court finds enhancement does not apply and sustains objection; Mr. Burgess-Farrell addresses Court re: “reckless endangerment” enhancement; Mr. Jones responds; Ms. Burgess-Farrell rebuttal and answers Court's question; Court finds reckless endangerment enhancement does apply; Ms. Burgess-Farrell									

addresses Court re: motion for downward adjustment and outlines factors that support a departure; Ms. Burgess-Farrell answers Court's questions; Mr. Jones responds; Ms. Burgess-Farrell rebuttal; Court addresses parties and denies request for departure; Court grants Government's motion re: BOL; Defendant addresses Court; Ms. Burgess-Farrell has nothing to add for sentencing; Mr. Jones has nothing to add for sentencing; Court addresses parties and imposes sentence; Ms. Burgess-Farrell requests RRC placement include language "up to" 6 months; Mr. Jones does not object; Officer Ortiz y Martinez does not object; Parties have nothing to add.